

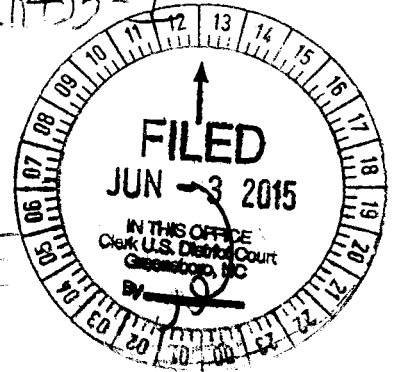
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Plaintiff, United States of America

v.

Defendant, Brian David Hill

Criminal Action No.
1:13CR435-2



DECLARATION FOR PROBABLE CAUSE
HEARING AND ANY OTHER PURPOSES

I don't believe that the Government has the Probable Cause to continue the facade of the Petition. I never should have been arrested in the first place. This has gone too far, this is madness.

I ~~am~~ as the Defendant feels this charge is unwarranted.

First of all it is untrue that I failed to follow her instructions.

Kristy Burton never ordered me to attend Piedmont Community Services at the beginning. I pay for it with the coverage of Virginia Medicaid.

I went there for counseling for the Government mentally abusing me and not allowing me to prove my innocence to the charge I was convicted

under. I was abused by multiple county jails in 2013. My nose was broken by a jail guard at Orange Co. for refusing to administer proper medical treatment while my blood sugar was low in May 2014. I also

seen some horrors which worsened my PTSD. I sought independent counseling to originally talk about the horrors I went through when I was in jail but I felt counselor Kristen Patterson wasn't helping me with my past trauma so I cancelled my ~~appointment~~ and tried to seek

Brian D. Hill

signed

another counselor.

Kristy Burton's conduct caused me more distress, anxiety, and she kept asserting I committed a Sex Offense despite having evidence (Kristy Burton has a copy, so does Hartford Counseling) that I made proven false admissions of guilt to the two police detectives on August 29, 2012 and I noticed it said I was downloading child porn up to July 28, 2013 when that exact computer was seized on August 28, 2012. I would have been found not guilty had I not been appointed Eric David Placke as counsel. My public defender failed me. Kristy Burton was made aware of all this and that I attempted to Appeal then when that failed then I gave advance Notice to the court on ~~filing~~ a 2255 Motion being filed in the future on Actual Innocence since Placke utterly refused to prove my innocence. Kristy knew all of this yet she did not want me to have a life, she wanted to control me beyond the terms and conditions of Supervised Release. She worsened my mental health conditions, didn't seem to want me to prove my innocence, my OCD got worse and the water usage went up, I started yelling for the neighbor to hear the struggles I was going through in my case. Burton was worsening my mental health. It even got to the point where I was afraid of Burton. My mom could tell my mental health got bad to the point where my mom asked me if I wanted to go to a mental hospital. I wanted my ~~sent~~ sentence to be vacated so badly I asked my friends for help. I tried to call into radio shows, someone put a Whitehouse gov petition asking for executive expunging of my conviction, and I wanted to rush Cynthia Eversan (attorney) ~~to rush~~ on my 2255 Motion to get off of Probation as soon as possible because I was scared of Burton targeting me for wanting to overturn my conviction.

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Cynthia told me about getting a independent computer forensic expert to examine my computer but I wanted to rush that too, before Kristy Burton wanted to further control my life cause I was afraid of her. Kristy did allow me to text message, she knew I been texting on my Tracfone since the time I left a voicemail on her phone about receiving a suspicious text message with attachments. I voluntarily gave her the Cell Phone and transferred minutes to my new Tracfone. Text messaging was not apart of the conditions of Supervised release, and texting is clearly and technically NOT the same as internet email. It is Not the same as a internet usage App. Texting is more along the lines of a old traditional fax machine. Kristy Burton took the side and opinion of Judge William Lindsay Osteen Junior ever though he is NOT a cell phone expert and doesn't understand how cell phones work. I stupidly thought I could text message through MMS to the clerk of the court to file documents to cut costs since I'm on a fixed income. Every mailing has taken it's toll on my budget. Every certified mailing costs a good deal of money. All I am trying to do is prove my innocence so that I can overturn my wrongful conviction. I decided to look for a counselor that can make me feel better ~~as~~ instead of feeling worse. Kristy Burton showed up on August 28, 2015. It appeared that she wasn't happy about something. She told me Judge Osteen called her on the phone and talked to her about my texting with the court. She told me to stop texting stuff to the court and I agreed and complied. She told the Judge is concerned over what I was texting (all I did was proclaim my legal innocence.)

Even though Burton allowed my texting to lawyer, friends, and the members of the media, it all was stopped Apr. 28. Burton told me I was no longer allowed to text message anybody. I asked her about being allowed to text my attorney Cynthia Everson and she refused. At around the time my diabetic blood sugar was high which makes me more irritable so I have to do insulin shot. The thought of not being allowed to text message anybody after Judge Osteen influenced my PD Kristy Burton, he manipulated her to order me not to text message anybody anymore even though cell phones and texting are not in the conditions. I followed the law to the letter and then the crooked Judge Osteen manipulating my PD to tell me not to text message anybody anymore, for being polite and asking Osteen to let me prove my innocence on the text message. That is why I want Osteen OUT OF MY CASE, I want to go in front of a different Judge. Osteen is not impartial and is not fair when he ignores or disregards all evidence that proves counsel was deficient (All of my Pro Se evidence filings and Motions prove counsel's deficiency) and the outcome would have been different had better counsel been appointed then Eric David Placke. Judge Osteen ignores all Pro Se evidence in violation of his oath of Office. Osteen favors Placke calling him the best attorney I ever got from the public defender office which is biased and partial that he personally favors the public defender not doing his job over the evidence I submitted to the court. Judge Osteen is biased and partial, ignores Pro Se evidence, and should be disqualified from making further rulings in my case.

Osteen seems to be telling Kristy Burton of Virginia what to do even though the hypocrite himself criticizes Susan Bosko claiming she is telling North Carolina what to do. With my honest testimony telling the court how it is, it is dangerous for Judge Osteen to be assigned to my case as he will retaliate against me for harsh truthful statements on Osteen's partial decisions before this Court. Osteen even ignored clear and convincing evidence (FCI Butler medical page, Declaration) that my health was deteriorating which forced me to falsely plead guilty while I was in Federal custody which is human rights abuses permitted by Osteen. Osteen needs to remove himself from my case as it is clear at this point that no good outcome will come from his rulings no matter what evidence I present to him. Judge Osteen please follow Title 28 U.S.C. §455 & 453, recuse yourself.

- Anyways my blood sugar was high, I can tell I was really irritable, and so I had to leave the room to take deep breaths and do my Novolog insulin shot so my blood sugar can come down, but Kristy/Burton was highly aggressive and told me with a sharp tone to get back in the room and sit on the chair. I then raised my voice and called her names because she knew I was angry and yet refused to let me calm down and go and get my insulin shot. If anyone was acting inappropriate here it is Burton for not realizing my blood sugar was high and not giving me any time to calm down. She knows about my health issues yet treated me like a regular violent sex criminal without health problems then she lies before the Clerk to have me arrested. I was very polite to the Marshals that showed up uninvited to arrest me, even if there's a chance my 32GB Sandisk Flash drive may have been stolen by one of Marshals which I had a complaint document against the U.S. Attorney for malicious prosecution. 5

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CERTIFICATE OF SERVICE

I, Brian David Hill, certify that the foregoing,

DECLARATION FOR PROBABLE CAUSE
HEARING AND ANY OTHER PURPOSES,

was deposited in the institutions mailing system on

May 30, 2015, to be mailed out to the

Clerk Of The Court via United States Postal Service.

Once filed, the clerk shall automatically send notification (via CM/ELF)
to the following parties:

U.S. Attorney

Anand P. Ramaswamy

U.S. Magistrate Judge

Elizabeth Peak

U.S. Chief Judge

William Lindsay Osteen
Junior

Defendant

through his legal counsel

Note: U.S. Attorney you are now aware
that the testimony Kristy Burton had
done for the Petition are based on
lies and incorrect ~~statements~~ under
penalty of perjury.

By continuing this Prosecution you
are committing Malicious
Prosecution against a mentally
disabled man which makes the
Government liable for damages
under civil suit. Beware
You may face sanctions too.

Signed

Brian D. Hill

Signed

Brian David Hill (Pro Se)
Forsyth Co. Detention Center
#1908253

201 N. Church St.
Winston Salem, NC 27001

Note: This is my last Pro Se Motion
before the hearing. I will give
my court appointed counsel a
chance. Don't betray me like
Mark A. Jones and Eric Placke did.